| | Case 2:05-cv-0189 | 9-RSL | Documer | nt 14 | Filed 01/23/06 | Page 1 of 2 | |
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| 06 | UNITED STATES DISTRICT COURT | | | | | | |
| 07 | WESTERN DISTRICT OF WASHINGTON AT SEATTLE | | | | | | |
| 08 | EDWARD R. WHITTINGTO | ON, |) | CAS | SE NO. C05-1899 | -RSL-MAT | |
| 09 | Plaintiff, | |) | | | | |
| 10 | v. | v. | |)) ORI | DER DISMISSING | G § 1983 ACTION | |
| 11 | NORM MALENG, et al., | |) |)) | | | |
| 12 | Defendants. | |) | | | | |
| 13 | | |) | | | | |
| 14 | The Court, having reviewed the Report and Recommendation of the Honorable Mary Alice | | | | | | |
| 15 | Theiler, United States Magistrate Judge, any objections thereto, and the balance of the record, | | | | | | |
| 16 | does hereby ORDER: | | | | | | |
| 17 | (1) The Court adopts the Report and Recommendation. | | | | | | |
| 18 | (2) The complaint and this § 1983 action are DISMISSED for failure to state a claim | | | | | | |
| 19 | upon which relief may be granted. See 28 U.S.C. § 1915(e)(2)(B)(ii). | | | | | | |
| 20 | (3) This dismissal shall count as a dismissal under 28 U.S.C. § 1915(g). | | | | | | |
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| 22 | 111 | | | | | | |
| | ORDER DISMISSING § 1983 ACTION PAGE -1 | | | | | | |

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| 01 | (4) The Clerk is directed to send copies of this Order to plaintiff and to Judge Theiler. |
| 02 | DATED this 23rd day of January, 2006. |
| 03 | |
| 04 | MMS Casnik |
| 05 | Robert S. Lasnik United States District Judge |
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| | ORDER DISMISSING § 1983 ACTION PAGE -2 |

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